

REMARKS

Claims 1-14 and 16-20 are pending in this application. Claims 1, 2, 4-7, 16, 17 and 19 have been amended. Claim 15 is canceled without prejudice to or disclaimer of the underlying subject matter. No new matter has been added.

The present amendment accompanies the RCE filed herewith under 37 C.F.R. § 1.114. Prior to continued examination of the subject application, Applicants respectfully request entry of this amendment. Reconsideration and issuance of a Notice of Allowance are respectfully requested in view of the foregoing amendments and following remarks.

Applicants thank Examiner Pwu for the courtesy of the telephonic interview with Applicants' representative on October 27, 2005 (hereinafter, "the interview"). During the interview, Applicants' representative proposed amendments to the claims such as independent claims 1 and 7. Examiner Pwu agreed that the proposed claim amendments would overcome rejections based on the applied reference to Hudis et al., U.S. Patent No. 6,862,736. Applicants have amended the claims in accordance with the proposed claim amendments presented during the interview. Therefore, claims 1-14 and 16-20 are in condition for allowance over the applied art.

In paragraphs 1-2 of the Office Action, claims 1, 7, 16 and 19 are rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Office Action states that it is unclear what is the "scope of query," as recited in the claims. A claim is read in view of the specification. See MPEP 2106 II (C). The specification clearly defines what is meant by the language "scope of query." For example, the specification at page 9, beginning on line 2, describes what "scope of the query" may be. Additional description may be found in other parts of the specification. Therefore, Applicants submit that the § 112 rejection is without basis and should be withdrawn.

The Office Action rejects under 35 U.S.C. 102(e) claims 1-14 and 16-20 as being anticipated by Hudis et al., U.S. Patent No. 6,862,736 (hereinafter, "*Hudis*"). Note that claim 15 was canceled in the previous response filed May 10, 2005.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 Fed. Cir. 1987).

Applicants submit that the applied reference *Hudis* does not expressly or inherently describe each and every element of the claimed invention. For example, as discussed during the interview, *Hudis* does not disclose or suggest that, in response to a request, a “Multiplex Provider sends a broadcast probe to the plurality of additional CIMOM Nodes on the Cluster,” as recited, among other features, in independent claim 1. To the contrary, *Hudis* discloses that in order to service a request, the CIMOM 62 accesses a CIM repository 66 in order to determine which object provider or providers to contact (if any). *Hudis*, col. 5, lines 13-17. However, *Hudis* does not disclose or suggest that, in response to a request, a broadcast probe is sent to a plurality of additional CIMOM Nodes on the Cluster, as claimed. Therefore, claim 1 is in condition for allowance over *Hudis* for at least these reasons.

Additionally, *Hudis* does not disclose or suggest that “the requesting Node receives a reply from one or more of the additional CIMOM Nodes and forwards the reply to the Client CIM and based on a scope of query received from the Client CIM, the requesting CIMOM transmits a query to the one or more of the additional CIMOM Nodes on the Cluster,” as recited in claim 1. Therefore, claim 1 is in condition for allowance over the applied art for these additional reasons.

With respect to independent claim 7, *Hudis* does not disclose or suggest, as described above, “broadcasting the request, via the Multiplex Provider, to more than one CIMOM Node,” as claimed. Therefore, claim 7 is in condition for allowance over *Hudis* for at least these reasons and for the additional features recited therein.

With respect to independent claim 16, *Hudis* does not disclose or suggest, as described above, “broadcasting a scope of the request to a plurality of CIMOM nodes in the Cluster,” as claimed. Therefore, claim 16 is in condition for allowance over *Hudis* for at least these reasons and for the additional features recited therein.

With respect to independent claim 19, *Hudis* does not disclose or suggest, as described above, “sending a broadcast probe across the Cluster including a plurality of CIMOM nodes via the multiplex provider,” as claimed. Therefore, Applicants respectfully submit that independent claim 19 is in condition for allowance over the applied art for at least these reasons and for the additional features recited therein.

Independent claim 20 is directed to a computer readable medium containing instructions for implementing the process of claim 19. Therefore, independent claim 20 is

in condition for allowance for at least the reasons stated above with respect to independent claim 19.

Claims 2-6 depend from independent claim 1, claims 8-14 depend from independent claim 7, and claims 17-18 depend from independent claim 16. Therefore, claims 2-6, 8-14, and 17-18 are in condition for allowance over the applied art for at least the reasons stated above and for the independently patentable features they recite.

CONCLUSION

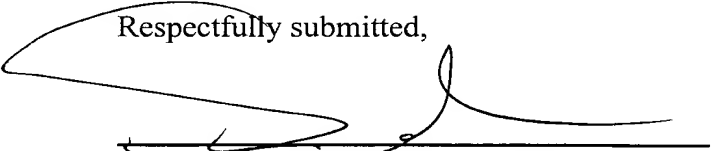
In view of the above remarks, Applicants believe that the rejection against this application has been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the rejection and a notice of allowance for the application are respectfully requested.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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